

Committee Room,  
Austin, Texas, Feb. 2, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We your Committee on Insurance, to whom was referred

S. B. No. 386, A bill to be entitled  
"An Act exempting the proceeds of  
any policy of life insurance, including  
the cash value thereof from execution  
or liability to any creditor of  
the insured."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal and not otherwise.

MOORE, Chairman.

By Berkeley, by request. S. B. 386.

#### A BILL

#### To Be Entitled

An Act exempting the proceeds of  
any policy of life insurance, including  
the cash value thereof, from execution  
or liability to any creditor of the insured.

Be it enacted by the Legislature of  
the State of Texas:

Section 1. That the proceeds of  
any policy of life or endowment insurance  
which is payable to the wife,  
husband or children of the insured,  
including the cash value thereof,  
shall be exempt from execution or  
liability to any creditor of the insured.

Sec. 2. The public importance of  
the purposes herein contemplated  
creates an emergency and an imperative  
public necessity requiring the  
suspension of the constitutional rule  
requiring bills to be read upon three  
several days in each House and the  
said rule is hereby suspended, and  
that this Act take effect and be in  
force from and after its passage, and  
it is so enacted.

#### TWENTIETH DAY.

Senate Chamber,  
Austin, Texas,

Monday, February 4, 1929.

The Senate met at 10 o'clock a.  
m., pursuant to adjournment, and  
was called to order by Lieutenant  
Governor Barry Miller.

The roll was called, a quorum being  
present, the following Senators  
answering to their names:

Beck.  
Berkeley.  
Cousins.  
Cunningham.  
Gainer.  
Harbin.  
Holbrook.  
Hornsby.  
Hyer.  
Love.  
Martin.  
McFarlane.  
Miller.  
Moore.

Parr.  
Parrish.  
Patton.  
Russek.  
Small.  
Stevenson.  
Thomason.  
Westbrook.  
Williamson.  
Wirtz.  
Witt.  
Woodul.  
Woodward.

Absent—Excused.

DeBerry.  
Greer.

Neal.  
Pollard.

Prayer by the Chaplain.

Pending the reading of the Journal  
of yesterday, the same was dispensed  
with on motion of Senator  
Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Parr:

S. B. No. 422, A bill to be entitled  
"An Act to provide that at least one-  
half of all taxes levied for the State,  
county, common school districts,  
road districts or political subdivisions  
of the county upon an ad valorem  
basis for the year 1929 and every  
year thereafter shall become due on  
the 31st day of December of the year  
for which the same are levied and  
providing that unless at least one-  
half of the taxes so levied shall be  
paid on or before said date the entire  
tax levied for the year shall become  
delinquent after said date;  
providing that if the first half of  
said taxes shall have been paid on or  
before the 31st day of December, the  
second half shall become delinquent  
after May 31st following; providing  
that all delinquent taxes shall bear  
a penalty of ten per cent, and in  
addition thereto interest at the rate  
of six per cent per annum; providing  
for only five per cent penalty if  
the entire tax is paid after December  
31st, and on or before January  
31st following; providing that all of  
the taxes may be paid at one time  
and that not more than two payments

of one-half each may be paid except the entire tax on property with a separate valuation may be paid without payment of taxes on other property; providing for the issuance of receipt; repealing all laws in conflict, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Patton:

S. B. No. 423, A bill to be entitled "An Act to regulate the occupation of hairdressers and cosmetologists, to create a State Board of Hairdressers and Cosmetologists for the licensing of persons, firms, co-partnerships, associations or corporations to carry on and to teach such practices, to insure the better education of such practitioners, to provide rules regulating the proper conduct and sanitation of the public health, and to provide penalties for violation thereof; and providing for qualifications of a hairdresser and cosmetologist shall possess in order to receive a certificate and to practice hairdressing and cosmetology, etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Martin and Cousins:

S. B. No. 424, A bill to be entitled "An Act to declare the public policy, to designate commission of farm conservation consisting of the president and directors of Agricultural and Mechanical College of Texas, and defining its powers and duties; providing for the meeting of said commission, and its duty to determine the maximum percentage of acreage of each farm in this State which may be planted to cotton each year in order to carry out the purposes and intent of said Act, and to determine the nature and extent of plant disease, root-rot, boll weevil and pink boll worm prevalent in any section of the State and providing how notice may be given of the findings and determination of said commission in reference thereto to the cotton farmers of this State and providing a tax and penalty for the violation of the findings of said commission by any farmer, and prescribing what acreage shall come within the purview of said Act, and making an appropriation to carry out the terms of said Act, and fixing the pay of the members of said commission, and enjoining upon the

Governor of Texas certain duties and empowering said commission to make all rules and regulations necessary to perform the service required of it."

Read first time and referred to Committee on State Affairs.

By Senator Westbrook:

S. B. No. 425, A bill to be entitled "An Act requiring trustees of public school districts to provide a suitable United States flag for each school building of the district; requiring the State, city and county superintendent to issue and have observed the necessary instructions for the proper display and protection of the flag, and prescribing a penalty for violation of the provisions of this Act."

Read first time and referred to Committee on Educational Affairs.

By Senator Hornsby:

S. B. No. 426, A bill to be entitled "An Act to change the name of the Criminal District Court of Travis County, to fix and define the jurisdiction of the Fifty-third District Court and said Criminal District Court with its name changed, to fix the terms in each of said courts, to provide for grand and petit juries in both of said district courts, for a clerk and for a district attorney for said district courts, for continuance in office of the respective judges of said district courts, for appointment of court reporters by the judges of each of said courts, for transferring of both civil and criminal cases, to continue in effect writs, process, bonds, recognizances and orders, enacting proper provisions to continue any term of court that may be in session when this Act takes effect and to preserve grand and petit juries that may be drawn or selected when this Act takes effect; and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senators Witt, Hornsby, Patton, Hardin, Moore, Woodul, Woodward and Love.

S. B. No. 427, A bill to be entitled "An Act establishing an Art Commission for the State of Texas, providing for appointment of the members thereof, prescribing their qualifications, and defining the powers and duties of such Commission."

Read first time and referred to Committee on State Affairs.

By Senator Parrish:

S. B. No. 428, A bill to be entitled "An Act amending Article 804 Chapter 1, Title 13 of the Revised Criminal Code of 1925; providing that such penalty shall not apply to any person, firm or corporation, operating during the month of January any motor vehicle that has been duly registered for the next preceding year."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Patton:

S. B. No. 429, A bill to be entitled "An Act providing for the discharge of convicts in the penitentiary who have been convicted of a felony and received an indeterminate sentence where such convicts have served the minimum number of years named in the indeterminate sentence and where such convicts have a clear prison record; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators Thomason and Patton:

S. B. No. 430, A bill to be entitled "An Act to appropriate \$300,000 or so much thereof as may be necessary from any funds in the State Treasury not otherwise appropriated to supplement the rural aid fund for 1928-1929, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Patton, by request:

S. B. No. 431, A bill to be entitled "An Act providing for the value and classification of certain securities offered for sale to the public, and providing that if such securities be classified as speculative, such securities and all literature relating to the sale thereof shall contain a written statement that the same are speculative, etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

#### Senators Excused.

On motion of Senator Beck, Senator DeBerry was excused for the day on account of illness.

On motion of Senator Woodul, Senator Pollard was excused for today and tomorrow on account of important business.

On motion of Senator Patton, Senator Greer was excused for today, Tuesday, and Wednesday on account of illness in his family.

On motion of Senator Stevenson, Senators Moore and Hardin were excused for today, Tuesday, and Wednesday on account of their duties as members of the Committee investigating the Land Office.

#### S. C. R. No. 18.

Senator McFarlane sent up the following resolution:

Whereas, There are several bills now pending before the Legislature which provide for the sale of all or a large part of the penitentiary farms and a disposal of the penitentiary prison at Huntsville, and

Whereas, The Prison Board has made its recommendation to the Legislature asking that the prison farms be sold, that the prison walls at Huntsville be disposed of and the prison system located elsewhere; and

Whereas, The property of the Prison System is valued at more than Six Million (\$6,000,000.00) Dollars, which consists of twelve (12) farms and the prison walls at Huntsville; and

Whereas, The majority of the Texas Prison Board were active in drawing up and presenting the prison survey report in 1924, which report provided for the sale of the Penitentiary System and its location elsewhere, and said members of said survey commission, who are now members of said Prison Board, have made reports to this Legislature setting forth the reasons why said commission feel that the Penitentiary System should be disposed of and located elsewhere; and

Whereas, Charges and counter charges have been made as to the correctness of the statements of the Prison Board and the statements of members of the Legislature who have denied that conditions exist as has been stated by the Prison Board, and that considerable doubt exists in the minds of some members of the Legislature as to the business ability and efficiency of some members of the Prison Board; and

Whereas, Specific charges are made as follows: That said Prison Board has knowingly, wilfully and maliciously made expenditures that were not justified by the appropriation made by the last session of the

Legislature, and that said Prison Commission is now asking this Legislature at this time for a deficiency appropriation of more than One Hundred and Eighty-one Thousand (\$181,000.00) Dollars to cover a deficit that is alleged to have been created in violation of the constitution and the laws of this State, and contrary to their oaths of office, taken by each member when he became a member of said Prison Board, as is provided by Section 3, of Chapter 212 of the General Laws of the Regular Session of the Fortieth Legislature, and

Whereas, The additional specific charges are brought against said Prison Board:

1. That said Board employed B. A. Everts contrary to the law of the State of Texas at Ten (\$10.00) Dollars per day to make an inventory of the Prison System, which job was made to last by the said party for more than six months.

2. That said Board employed B. A. Everts as Assistant Warden at \$300.00 per month, contrary to the laws of this State.

3. That the Chairman of said Board employed Mrs. Elizabeth Speer as Executive Secretary without the advice or consent of said Board and paid her \$300.00 per month contrary to the laws of this State, and that the said Mrs. Elizabeth Speer was not a stenographer, being unable to write shorthand or use a typewriter.

4. That said Board has purchased an automobile and furnished a chauffeur and the expenses for said Executive Secretary without the authority of the Board, and contrary to the laws of this State.

5. That one member of said Board employed Mrs. Duncan at \$200.00 per month as a Supervisor of Canning without the authority of the Board, and contrary to the laws of this State.

6. That the Chairman of said Board caused the discharge of Mr. Speer as Warden, who received \$2,000.00 per year and paid house rent and received no provisions for his support; and said Chairman employed Mr. Harrell at \$3,600.00 per year and also gave him farm products for his sustenance.

7. That said Chairman of the Board employed Mr. Kellensberger at \$125.00 per month and his wife

at \$150.00 per month, both positions being new positions, and said employment being without the authority of the Board, and contrary to the laws of this State, and both of said parties were furnished house rent free and farm supplies for their sustenance, and said parties' transportation from Austin to Huntsville was paid for out of the prison funds; that many other new positions have been created and salaries increased by the Chairman of the Board and acquiesced in by the Board later, all of said acts being contrary to the laws of this State; and that by this reckless addition of unnecessary new positions, unlawfully created, and by unnecessary salary raises, the Prison Board has thus greatly increased the expenses of the Prison System, and due to this reckless expenditure of money most of this \$181,000.00 deficit has been incurred.

8. That the General Manager of the Prison System expended more than \$4,200.00 in repairing his dwelling house, which he receives rent free in addition to his salary of \$8,000.00, plus traveling expenses; that said expenditure was made contrary to the laws of this State; that said General Manager admits that he had never seen in a prison or jail or had any experience or dealing with convicts in any way before he was employed by said Board at \$8,000.00 per year to manage the Prison System.

9. That the Prison Board discharged some of the best farm managers in the System without any excuse and have transferred or caused the discharge of other employees without any excuse, all of which has demoralized and injured greatly the possibility of successful operation of the penitentiary system.

10. That said Prison Board has through the instrumentality of its Executive Secretary, Mrs. Elizabeth Speer, permitted the morale of the Penitentiary System to be practically destroyed, in this, that the guards and those who are responsible for maintaining order in the Penitentiary System have been given to understand that physical punishment of any kind would not be tolerated and if inmates are unruly, the worst punishment given is solitary confinement or standing the inmate on a barrel, and requests of the dif-

ferent farm managers for permission to whip the inmates for the worst forms of disorder have been wholly ignored or refused.

11. That practically no supervision has been given the Penitentiary System by the present Prison Board since they have been in office and an employee has been allowed to practically manage the entire system.

12. That the Chairman of the Prison Board, during the seven months he sat as a member of the old Prison Board, paid no attention to the duties of his office and never been as much as six hours on the farms during the entire seven months, though he was receiving \$300.00 per month salary.

That it has always been the attitude of the Chairman of the Board, his Executive Secretary, together with several other members of the Board, even long before they were appointed on the Board, that the penitentiary system should be sold out and moved elsewhere, and due to this feeling of these members of the Board, it is herein charged that the Penitentiary System has never had a fair chance since the present Board has been in charge, or an opportunity to be successfully and efficiently managed, to the end that it be placed on a paying basis.

13. That more than 700 acres of land that was cultivated in 1927 was allowed to remain idle in 1928 on the Eastham Farm and large tracts subject to cultivation on the Clements Farm and other farms were allowed to remain idle, and as the Prison Records will show, there were plenty of inmates available to cultivate every acre of ground subject to cultivation.

14. That the Prison Board is now requesting a deficiency appropriation of more than \$181,000.00 to cover their deficit and in operating the Penitentiary System for the fiscal year of August 31st, 1928, and they are requesting an emergency appropriation of nearly \$700,000.00 to take care of expenditures and expenses they expect to incur immediately, and while they have not filed their report for the last year, as required by law, said report will show a net loss in operating the Penitentiary System for the past year of more than one-half million dollars, and they are urging the dis-

posal of the Penitentiary System and the purchase of a new system elsewhere, which would involve an expenditure of more than Ten Million Dollars.

Therefore, Be It Resolved by the Senate of the State of Texas, the House of Representatives concurring, that a committee of eight be appointed, which shall be composed of three members of the Senate, appointed by the Lieutenant Governor, and five members of the House, appointed by the Speaker of the House, which said Committee shall be given all of the necessary powers now placed in the district courts in this State, for summoning witnesses, for the issuances of processes, and said committee shall have the power and authority necessary to conduct an investigation of the above charges made and said committee shall conduct said investigation at the earliest possible time and file their written report and recommendations as soon as possible at this session of the Legislature, to the end that the information be furnished this Legislature on this important subject and that the necessary expenses for conducting this investigation shall be paid out of the contingent expense fund.

Senator Holbrook moved to table the resolution. The motion prevailed by the following vote:

Yeas—17.

|           |             |
|-----------|-------------|
| Beck.     | Stevenson.  |
| Berkeley. | Thomason.   |
| Holbrook. | Westbrook.  |
| Hornsby.  | Williamson. |
| Hyer.     | Wirtz.      |
| Love.     | Witt.       |
| Moore.    | Woodul.     |
| Parr.     | Woodward.   |
| Parrish.  |             |

Nays—3.

|            |        |
|------------|--------|
| Gainer.    | Small. |
| McFarlane. |        |

Present—Not Voting.

|          |         |
|----------|---------|
| Cousins. | Patton. |
| Martin.  |         |

Absent.

|             |         |
|-------------|---------|
| Cunningham. | Miller. |
| Hardin.     | Russek. |

Absent—Excused.

|          |          |
|----------|----------|
| DeBerry. | Neal.    |
| Greer.   | Pollard. |

**S. J. R. No. 18.**

Senator Hornsby sent up the following resolution:

Senate Joint Resolution, Proposing an amendment to Article XVI, of the Constitution; providing that the Legislature shall have power to enact laws under which the Employers' Liability Insurance and Workmen's compensation shall be provided for and administered by the State through such State instrumentalities and agencies as shall be provided by law, such Employers' Liability Insurance and Workmen's Compensation never to be administered by private or semi-private associations, corporations or individuals; providing for an election upon such proposed constitutional amendment and making an appropriation therefor.

Read first time and referred to Committee on Constitutional Amendments.

**Senate Bill No. 354 Recommitted.**

On motion of Senator Moore, S. B. No. 354 was recommitted to the Committee on Insurance for further consideration.

**S. C. R. No. 19.**

Senator Small sent up the following resolution:

By Small and S. C. R. No. 19  
Woodward.

**SENATE CONCURRENT  
RESOLUTION**

Concurrent Resolution authorizing and directing the President of the Senate and the Speaker of the House to appoint a joint committee to be composed of three members of the Senate and five members of the House, which committee is authorized and directed to confer with a like committee to be appointed by the Legislature of the State of Oklahoma, to inspect a strip of land that in all probability will be awarded to the State of Texas by a Decree of the Supreme Court of the United States in a case styled Oklahoma vs. Texas, filed December 8, 1919, and to confer with the State of Oklahoma with the view to settling and adjusting property rights of persons affected by the decree of said court, and to make such recommendations to the Legislature as they may deem wise and

proper for the solution of this controversy; and to provide for the payment of the expenses of said committee.

Whereas, On the 8th of December, 1919, the State of Oklahoma filed an original action in the Supreme Court of the United States against the State of Texas to have determined and located the true and correct eastern boundary of the Panhandle of Texas and the main western boundary of the State of Oklahoma; and

Whereas, As the final adjudication of the issue raised in said mentioned case, the Supreme Court of the United States has decreed the following:

"The boundary between the State of Texas and the State of Oklahoma constituting the eastern boundary of the Panhandle of Texas and the main western boundary of Oklahoma, is the line of the true one hundredth meridian of longitude west from Greenwich, extending north from its intersection with the south bank of the South Fork of Red River to its intersection with the northern boundary line of the State of Texas as surveyed and marked upon the ground of John H. Clark, United States Commissioner, under the Act of June 5, 1858, Chapter 92, or with a line running due east from the eastern terminus of the Clark survey if it is west of the meridian"; and

Whereas, The said Supreme Court of the United States has appointed a commissioner to run, locate, and mark the true and correct boundary line between the said State of Texas and the said State of Oklahoma, and to establish permanent monuments along such boundary at appropriate distances, and to submit a report thereon to the court; and

Whereas, the line declared by said Supreme Court to be the true and correct boundary between Texas and Oklahoma is located to the east of the line heretofore presumed to be the eastern Texas and western Oklahoma boundary; and

Whereas, such new location of such boundary line has, or will, upon the approval of the report of the said locating commissioner, remove a tract of land heretofore presumed to be a part of the said State of Oklahoma and place same in the said State of Texas; and

Whereas, the United States never owned or assumed to possess the title to any of the public land of the said State of Texas; and

Whereas, the United States has heretofore presumed to own and did assume possession and has made disposition of most, if not all, the said land heretofore presumed to be in the said State of Oklahoma and affected by the said decision of the Supreme Court; and

Whereas, in the exercise of the presumed ownership and undisputed possession of said land, the said Supreme Court of the United States, in its opinion, *Oklahoma against Texas* (1926, 272 United States 21, page 38) said that it appeared that "prior to May 3, 1920, the United States had disposed of approximately twenty thousand six hundred and fifty seven acres in the strip in dispute by patents issued on homestead entries and public sales, for which it had collected approximately \$8,026; that approximately three thousand one hundred and eighteen acres had been included in the school and university grants to Oklahoma; and that there were then three hundred and eighteen acres in pending entries, leaving, it was estimated, one hundred and eighteen acres of vacant land"; and

Whereas, According to the record made and pursuant to the approval by the Supreme Court of the final report of the locating commissioner, it is now evident that a number of persons, with titles to such land possessions, based upon patents issued by the United States or by the said State of Oklahoma, will find that their residences and land possessions will have been transferred from said State of Oklahoma to said State of Texas, and

Whereas, All persons affected by the final action of the Supreme Court will find numerous complications surrounding their land titles inasmuch as the disputed strip has at all times comprised portions of various political subdivisions of the State of Oklahoma, and is encumbered by bonds issued by school districts, townships and counties, and is also encumbered by mortgages securing purchase money and money borrowed from various and sundry individuals, and for money borrowed from the School land Department of the State of Oklahoma, all of

which render it difficult to properly adjust the equities and property rights of all persons interested in the property involved; and

Whereas, to the end that persons now residing on, in possession of, or owning the land, as well as all lien holders, affected and to be affected by the final action of the Supreme Court may be properly and equitably protected in their vested interests in such land, and to the further end that the United States, the State of Texas, and the State of Oklahoma may be permitted to assume proper obligations and to receive proper remunerations: Therefore, be it

Resolved by the Senate and House of Representatives of the Forty-first Legislature of the State of Texas, that the President of the Senate and Speaker of the House be authorized to appoint a committee of three members of the Senate and five members of the House as a Joint Committee to confer with a like committee to be appointed by the Legislature of the State of Oklahoma, which said committees are hereby authorized and directed at as early a date as practicable to investigate the matter hereinabove involved and, if necessary, to view the land for the purpose of trying to adjust the matter and make such recommendations back to the Legislature of the State of Texas with reference to a final disposition of the matter as said Committee may deem in their judgment wise and proper for the best interests in the premises.

Be it further resolved that all necessary expenses incurred by the Committee in visiting said territory shall be paid out of the contingent legislative fund of the State of Texas on claims properly approved by the presiding officer of the respective houses.

The resolution was read and adopted.

#### Recess.

On motion of Senator Berkeley, the Senate, at 12:05 o'clock p. m., recessed until 2:00 o'clock p. m.

#### After Recess.

The Senate was called to order at 2:00 o'clock p. m., pursuant to recess, by Lieutenant Governor Barry Miller.

**Senate Bill No. 148.**

Senator Stevenson spread upon the Journal a motion that the Senate reconsider the vote by which S. B. No. 148 was finally passed Saturday.

**Simple Resolution No. 59.**

Senator Stevenson sent up the following resolution:

Whereas, Senate Bill No. 148 was finally passed in the Senate on the 2nd day of February, 1929, in the absence of a number of the members of the Senate who were interested in said measure, some of whom had opposed said bill in committee, and,

Whereas, a motion had been made to reconsider the action of the Senate in finally passing the bill, but said bill has been sent to the House, and,

Whereas, it is the sense of the Senate that all parties interested in said measure should be given an opportunity to express their sentiments both on the floor and by a vote on said measure,

Therefore be it resolved by the Senate of Texas that the House be requested to return to the Senate said Senate Bill No. 148 for further consideration.

The resolution was read.

STEVENSON.  
WIRTZ.

Senator Hyer moved the previous question.

The motion was lost.

The resolution was lost by the following vote:

**Yeas—11**

|             |             |
|-------------|-------------|
| Beck.       | Russek.     |
| Cunningham. | Stevenson.  |
| Gainer.     | Williamson. |
| Hyer.       | Wirtz.      |
| Miller.     | Witt.       |
| Parr.       |             |

**Nays—15**

|            |            |
|------------|------------|
| Berkeley.  | Moore.     |
| Cousins.   | Parrish.   |
| DeBerry.   | Patton.    |
| Hardin.    | Thomason.  |
| Hornsby.   | Westbrook. |
| Love.      | Woodul.    |
| Martin.    | Woodward.  |
| McFarlane. |            |

**Absent.**

|           |        |
|-----------|--------|
| Holbrook. | Small. |
|-----------|--------|

Absent—Excused.

Greer.  
Neal.

Pollard.

**Senate Bill No. 61.**

The Chair laid before the Senate on third reading the following bill:

S. B. No. 61, A bill to be entitled "An Act to amend Article 3932 of the Revised Civil Statute of Texas, 1925, relating to county clerks and their compensation for ex officio and other public services rendered so as to provide that the total amount paid the county clerk in one year shall not be less than fifty, nor more than fifteen hundred dollars, and declaring an emergency."

The bill was read third time.

On motion of Senator Hornsby, the bill was laid on the table subject to call.

**Senate Bill No. 89.**

The Chair laid before the Senate on third reading the following bill:

S. B. No. 89, A bill to be entitled "An Act to better define fraternal benefit societies and providing and defining a lodge system for such; requiring a representative form of government; defining and safeguarding the contracts and beneficiaries of such societies and prescribing the membership therein; amending Articles 4820, 4821, 4822, 4824, 4831 and 4833 of the Revised Statutes of Texas for 1925 so as to conform hereto, and declaring an emergency."

The bill was read third time.

Senator Love sent up the following amendment:

Amend Section 3, by inserting in line 13 after the word "number" the following: "and have not less than two-thirds of the votes."

LOVE.

The amendment was read and adopted by two-thirds vote.

The bill as amended was finally passed.

**Senate Bill No. 154.**

The Chair laid before the Senate on third reading the following bill:

S. B. No. 154, A bill to be entitled "An Act amending Article 1831, Title 39, Revised Statutes of the State, prescribing certain duties of Clerks of Courts of Civil Appeals with reference to the filing, recording and preservation of the records and proceedings of said court."

The bill was read third time.

On motion of Senator McFarlane, the bill was laid on the table subject to call.

#### Senate Bill No. 169.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 169, A bill to be entitled "An Act to provide for the taking of testimony of a witness or witnesses in this State either written interrogatories or oral deposition, on any mandate, writ or commission issued out of any court of record in any other State, territory, district or foreign jurisdiction, and declaring an emergency."

The bill was read third time.

On motion of Senator Berkeley, the bill was laid on the table subject to call.

#### Senate Bill No. 222.

The Chair laid before the Senate, on third reading, the following bill:

S. B. No. 222, A bill to be entitled "An Act to amend Chapter 5, Title 14, Revised Criminal Statutes of Texas, 1925, relating to weights and measures, by amending Article 1037 and adding Article 1037A, defining certain terms; and declaring an emergency."

Read third time and finally passed.

#### Senate Bill No. 182.

The Chair laid before the Senate, on third reading, the following bill:

S. B. No. 182, A bill to be entitled "An Act repealing Article 6815, Revised Civil Statutes, 1925, and declaring an emergency."

The bill was read third time.

On motion of Senator McFarlane, the bill was laid on the table subject to call.

#### Senate Bill No. 169.

Senator Berkeley, called up from the table S. B. No. 169.

Senator Berkeley sent up the following amendment:

Amend S. B. No. 169, by adding a new section numbered 1A and reading as follows:

"Section 1A. Whenever any commission for the taking of the deposition of any witness or party to any civil suit pending in any of the courts of Texas shall have been regularly

and legally issued and placed in the hands of a person legally designated and qualified to take depositions under the laws of this State, such officer shall have authority to issue any writ authorized by law to compel the attendance of a witness in court, and upon disobedience of such writ by any such witness he may be punished as for contempt either by the court out of which such commission issued, or by the Judge of any District Court of the County in which such witness resides."

Read and adopted.

The bill as amended was finally passed.

#### Senate Bill No. 154.

Senator Woodward called up from the table S. B. No. 154,

The bill was finally passed.

#### Senate Bill No. 182.

Senator Woodward called up from the table S. B. No. 182.

The bill was finally passed by the following vote.

#### Yeas—22.

|           |             |
|-----------|-------------|
| Beck.     | Patton.     |
| Berkeley. | Russek.     |
| Cousins.  | Small.      |
| Gainer.   | Stevenson.  |
| Hornsby.  | Thomason.   |
| Hyer.     | Westbrook.  |
| Love.     | Williamson. |
| Miller.   | Wirtz.      |
| Moore.    | Witt.       |
| Parr.     | Woodul.     |
| Parrish.  | Woodward.   |

#### Nays—2.

|             |          |
|-------------|----------|
| Cunningham. | DeBerry. |
|-------------|----------|

#### Present—Not Voting.

Martin.

#### Absent.

|           |            |
|-----------|------------|
| Hardin.   | McFarlane. |
| Holbrook. |            |

#### Absent—Excused.

|        |          |
|--------|----------|
| Greer. | Pollard. |
| Neal.  |          |

#### Senate Bill No. 61.

Senator Hornsby called up from the table S. B. No. 61.

Senator Parrish sent up the following amendment:

**Amend S. B. No. 61.**

Strike out the words "upon the order" in line 28 and insert in lieu thereof the words "in the discretion."

Read and adopted by a two-thirds vote.

The bill as amended was finally passed by the following vote:

**Yeas—20.**

|           |             |
|-----------|-------------|
| Beck.     | Patton.     |
| Berkeley. | Russek.     |
| Cousins.  | Small.      |
| Gainer.   | Stevenson.  |
| Hornsby.  | Thomason.   |
| Hyer.     | Westbrook.  |
| Love.     | Williamson. |
| Moore.    | Witt.       |
| Parr.     | Woodul.     |
| Parrish.  | Woodward.   |

**Nays—5.**

|             |            |
|-------------|------------|
| Cunningham. | McFarlane. |
| DeBerry.    | Miller.    |
| Martin.     |            |

**Absent.**

|           |        |
|-----------|--------|
| Hardin.   | Wirtz. |
| Holbrook. |        |

**Absent—Excused.**

|        |          |
|--------|----------|
| Greer. | Pollard. |
| Neal.  |          |

**Senate Bill No. 161.**

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 161, A bill to be entitled "An Act amending Article 6814, Title 117 of the Revised Civil Statutes of the State of Texas of 1925, being an Act fixing the salary of the Commissioner of the Bureau of Labor Statistics, his assistants, deputies and inspectors."

Read second time and, on motion of Senator Westbrook, laid on the table subject to call.

**Senate Bill No. 77.**

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 77, A bill to be entitled "An Act providing for the regulations of gins, ginners, ginning; the licensing of ginners; prescribing the conditions of a ginner's bond; providing for proper packing, wrapping, marking and providing for weighing of seed and lint cotton and cot-

tonseed and keeping a record of same; providing for the collection of license fees to be used by the Commissioner of Agriculture for the enforcement of this Act; requiring certain reports; providing penalties for the violation of this Act; defining certain terms; repealing certain articles of the Statute and all laws and parts of laws in conflict herewith; and declaring an emergency."

Read second time and, on motion of Senator Love, laid on the table subject to call.

**Senate Bill No. 104.**

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 104, A bill to be entitled "An Act to amend Article 5341, Chapter 4, Title 86, of the Revised Civil Statutes of Texas, 1925, by providing that the Commissioner of the General Land Office after the filing of any application by anyone desiring to obtain the right to prospect for and develop oil and natural gas that may be in any surveyed or unsurveyed areas as provided in Articles 5339 and 5340, Chapter 4, Title 86, of the Revised Civil Statutes of Texas, 1925, shall first make such examination as he shall deem necessary to determine whether or not the area applied for falls within the provisions of this law, and secondly, if he shall determine that such area is subject to the provisions of this law, he shall make the further investigation to determine whether or not any person, association or corporation is in the actual possession of such area, or any part thereof, claiming same in good faith under a grant or sale from the State, and if he shall determine that any such person, association or corporation is so in possession thereof, then such person, association or corporation shall have prior right for ninety days after written notice by the Commissioner of the General Land Office of the application, within which to make application for permit, said application to be in accordance with the provisions of Articles 5339 and 5340 of the Revised Civil Statutes of Texas, 1925, etc., and declaring an emergency."

Read second time and, on motion of Senator Small, laid on the table subject to call.

**Senate Bill No. 164.**

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 164, A bill to be entitled "An Act to create the 109th Judicial District of Texas and to give such court concurrent jurisdiction with the District Court of Webb County, Texas, in and for the 49th Judicial District of Texas, in all civil and criminal cases; to provide a Clerk for said Courts and the transfer to said 109th District Court of certain cases now pending in the 49th District Court; to designate the character of cases to be filed in said Court after its organization, the manner of filing and numbering suits in both of said Courts and keeping file dockets therein; to provide that the Sheriff and other officers of Webb County shall perform certain duties with reference to said Court and for appointment of a shorthand reporter for said Court, etc., and declaring an emergency."

Read second time.

Senator Parr moved to substitute H. B. No. 127 for S. B. No. 164, both bills being on the same subject.

The Chair laid before the Senate the following bill:

By Mr. Mullally, Mr. Johnson of Dimmit and Mr. Dunlap:

H. B. No. 127, A bill to be entitled "An Act to create the 109th Judicial District of Texas and to give such Court concurrent jurisdiction with the District Court of Webb County, Texas, in and for the 49th Judicial District of Texas, in all civil and criminal cases; to provide a Clerk for said Courts and the transfer to said 109th District Court of certain cases now pending in the 49th District Court."

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 127 was put on its third reading and final passage, by the following vote:

Yeas—27.

|             |           |
|-------------|-----------|
| Beck.       | Gainer.   |
| Berkeley.   | Holbrook. |
| Cousins.    | Hornsby.  |
| Cunningham. | Hyer.     |
| DeBerry.    | Love.     |

|            |             |
|------------|-------------|
| Martin.    | Stevenson.  |
| McFarlane. | Thomason.   |
| Miller.    | Westbrook.  |
| Moore.     | Williamson. |
| Parr.      | Wirtz.      |
| Parrish.   | Witt.       |
| Patton.    | Woodul.     |
| Russek.    | Woodward.   |
| Small.     |             |

Absent.

Hardin.

Absent—Excused.

Greer.  
Neal.

Pollard.

•Read third time and finally passed by the following vote:

Yeas—27.

|             |             |
|-------------|-------------|
| Beck.       | Parr        |
| Berkeley.   | Parrish.    |
| Cousins.    | Patton.     |
| Cunningham. | Russek.     |
| DeBerry.    | Small.      |
| Gainer.     | Stevenson.  |
| Holbrook.   | Thomason.   |
| Hornsby.    | Westbrook.  |
| Hyer.       | Williamson. |
| Love.       | Wirtz.      |
| Martin.     | Witt.       |
| McFarlane.  | Woodul.     |
| Miller.     | Woodward.   |
| Moore.      |             |

Absent.

Hardin.

Absent—Excused.

Greer.  
Neal.

Pollard.

Further consideration of S. B. No. 164 was consequently ordered indefinitely postponed.

**Senate Bill No. 221.**

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 221, A bill to be entitled "An Act relating to and regulating the furnishing of free text books for public free schools of this State; amending Section 30, 31, 33, 34, 39 and 40, and repealing Section 41 of Chapter 176 of the General Laws of the Regular Session of the Thirty-ninth Legislature of this State; providing for the setting aside of funds for free text books used in the public free schools of this State; providing for reports as to the funds

for said text books; providing for the distribution of the amount set aside for free text books direct to the schools using such books and the purchase of same by such schools themselves from the various text book depositories or agencies, and providing that any free text book moneys not used by any such school shall become a part of its available school moneys and may be used by it for general school purposes; making the necessary changes in the Statutes to accomplish the main purpose of this Act; and declaring an emergency."

On motion of Senator Witt, the bill was laid on the table subject to call.

#### Senate Bill No. 256.

Senator Witt called up from the table the following bill:

S. B. No. 256, A bill to be entitled "An Act fixing compensation for county tax assessors in counties containing a city with a population of not less than 35,000 and not more than 125,000, according to the last United States census, where the county assessor of taxes compiles and makes a transfer book or card index compiled from the real estate transfers recorded in the county clerk's office showing the names transferred to, last owner assessed to, volume and page, description of property, assessed valuation and the consideration of the transfer, etc., and declaring an emergency."

Read second time.

Senator Holbrook sent up the following amendment:

Amendment to S. B. No. 256.

Amend the bill by striking out the words and figures of 35,000 and inserting 45,000 wherever they appear in the bill.

HOLBROOK.

The amendment was read.

The amendment was adopted.

On motion of Senator Williamson, the bill as amended was laid on the table subject to call.

#### Senate Bill No. 232.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 232, A bill to be entitled "An Act to amend Article 5302 of the Revised Civil Statutes of 1925, by adding thereto Article 5302a pro-

viding that wherever the line or lines of any survey of land heretofore made cross a stream, or part thereof, and the lands or any part thereof covered by such survey lie within such streams or part thereof, and awards or patents to such surveys shall have been issued and outstanding for a period of five years from the date thereof, and have not been cancelled or forfeited, the acts and decisions of the officers of this State in the issuance of such awards or patents, shall be final and conclusive evidence that such surveys have been made in accordance with Section 5302 of the Revised Civil Statutes of 1925 and all prior enactments thereof, and declaring an emergency."

Read second time.

Senator Small sent up the following amendment:

Amend S. B. No. 232 as follows:

In line 26, page 1, after the word "thereof," add the word "as," and in the same line after the word "such" add the word "original" and after the word "thereof" in line 2, page 2, add the following: "Provided that the title of the State to any stream and its bed as recognized in the original survey shall not be affected by the shifting of the course of the stream by reason of erosion or avulsion."

SMALL.

Read and adopted.

Senator Witt sent up the following amendment:

Amend S. B. No. 232 by striking out the word "five" wherever it appears in caption and bill and insert in lieu thereof the word "ten."

WITT.

Read and adopted.

The bill as amended passed to engrossment by the following vote:

Yeas—17.

|             |            |
|-------------|------------|
| Beck.       | Patton.    |
| Berkeley.   | Small.     |
| Cousins.    | Stevenson. |
| Cunningham. | Thomason.  |
| Gainer.     | Westbrook. |
| Holbrook.   | Witt.      |
| Hyer.       | Woodul.    |
| Martin.     | Woodward.  |
| Parr.       |            |

Nays—6.

|          |         |
|----------|---------|
| DeBerry. | Miller. |
| Hornsby. | Moore.  |
| Love.    | Russek. |

## Absent.

McFarlane. Williamson.  
Parrish. Wirtz.

Absent—Excused.

Greer. Neal.  
Hardin. Pollard.

## Senate Bill No. 240.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 240, A bill to be entitled "An Act to create Cameron County Drainage District No. 1 in Cameron County, Texas, defining its boundaries, validating and approving all orders made by the Commissioners' Court of Cameron County in respect to the original organization and creation of said district as a Drainage District under Article 3, Section 52 of the Constitution; converting said district, without change of name, to a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 240 was put on its third reading and final passage, by the following vote:

## Yeas—26.

Beck. Moore.  
Berkeley. Parr.  
Cousins. Parrish.  
Cunningham. Patton.  
DeBerry. Russek.  
Gainer. Small.  
Holbrook. Stevenson.  
Hornsby. Thomason.  
Hyer. Westbrook.  
Love. Williamson.  
Martin. Witt.  
McFarlane. Woodul.  
Miller. Woodward.

## Absent.

Wirtz.

Absent—Excused.

Greer. Neal.  
Hardin. Pollard.

Read third time and finally passed by the following vote:

## Yeas—26.

Beck. Moore.  
Berkeley. Parr.  
Cousins. Parrish.  
Cunningham. Patton.  
DeBerry. Russek.  
Gainer. Small.  
Holbrook. Stevenson.  
Hornsby. Thomason.  
Hyer. Westbrook.  
Love. Williamson.  
Martin. Witt.  
McFarlane. Woodul.  
Miller. Woodward.

## Absent.

Wirtz.

Absent—Excused.

Greer. Neal.  
Hardin. Pollard.

## Senate Bill No. 241.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 241, A bill to be entitled "An Act to create Cameron County Drainage District Number Two (2) in Cameron County, Texas, defining its boundaries, validating and approving all orders made by the Commissioners' Court of Cameron County in respect to the original organization and creation of said district as a Drainage District under Article 3, Section 52 of the Constitution; converting said district, without change of name, to a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 241 was put on its third reading and final passage, by the following vote:

## Yeas—26.

Beck. Love.  
Berkeley. Martin.  
Cousins. McFarlane.  
Cunningham. Miller.  
DeBerry. Moore.  
Gainer. Neal.  
Holbrook. Parrish.  
Hornsby. Patton.  
Hyer. Russek.

|            |             |
|------------|-------------|
| Small.     | Williamson. |
| Stevenson. | Witt.       |
| Thomason.  | Woodul.     |
| Westbrook. | Woodward.   |

Absent.

Wirtz.

Absent—Excused.

|         |          |
|---------|----------|
| Greer.  | Parr.    |
| Hardin. | Pollard. |

Read third time and finally passed by the following vote:

Yeas—26.

|             |             |
|-------------|-------------|
| Beck.       | Moore.      |
| Berkeley.   | Parr.       |
| Cousins.    | Parrish.    |
| Cunningham. | Patton.     |
| DeBerry.    | Russek.     |
| Gainer.     | Small.      |
| Holbrook.   | Stevenson.  |
| Hornsby.    | Thomason.   |
| Hyer.       | Westbrook.  |
| Love.       | Williamson. |
| Martin.     | Witt.       |
| McFarlane.  | Woodul.     |
| Miller.     | Woodward.   |

Absent.

Wirtz.

Absent—Excused.

|         |          |
|---------|----------|
| Greer.  | Neal.    |
| Hardin. | Pollard. |

#### Senate Bill No. 257.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 257, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the repurchase of public school land forfeited and reappraised under Chapter 94, an Act approved March 19, 1925, and as amended by Chapter 25, an Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed; such acceptance and award to be subject to existing rights and any third party who may have filed oil and gas applications thereon."

Read second time.

Senator Love sent up the following amendment:

#### Amendment No. 1.

Senate Bill No. 257.

Amend Section 1 by adding the following: "Provided such application and first payment shall be filed within one year from the passing of this Act."

LOVE.

Read and adopted.

The bill as amended was passed to engrossment.

#### Senate Bill No. 268.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 268, A bill to be entitled "An Act to fix the salary of the superintendent of public instruction in such county in Texas having a population of not less than 100,000 nor more than 150,000 according to the last Federal census; providing for office expenses in such counties; repealing all laws and parts of laws in conflict, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Berkeley, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 268 was put on its third reading and final passage, by the following vote:

Yeas—26.

|             |             |
|-------------|-------------|
| Beck.       | Moore.      |
| Berkeley.   | Parr.       |
| Cousins.    | Parrish.    |
| Cunningham. | Patton.     |
| DeBerry.    | Russek.     |
| Gainer.     | Small.      |
| Holbrook.   | Stevenson.  |
| Hornsby.    | Thomason.   |
| Hyer.       | Westbrook.  |
| Love.       | Williamson. |
| Martin.     | Witt.       |
| McFarlane.  | Woodul.     |
| Miller.     | Woodward.   |

Absent.

Wirtz.

Absent—Excused.

|         |          |
|---------|----------|
| Greer.  | Neal.    |
| Hardin. | Pollard. |

Read third time and finally passed by the following vote:

## Yeas—26.

|             |             |
|-------------|-------------|
| Beck.       | Moore.      |
| Berkeley.   | Parr.       |
| Cousins.    | Parrish.    |
| Cunningham. | Patton.     |
| DeBerry.    | Russek.     |
| Gainer.     | Small.      |
| Holbrook.   | Stevenson.  |
| Hornsby.    | Thomason.   |
| Hyer.       | Westbrook.  |
| Love.       | Williamson. |
| Martin.     | Witt.       |
| McFarlane.  | Woodul.     |
| Miller.     | Woodward.   |

## Absent.

Wirtz.

## Absent—Excused.

|         |          |
|---------|----------|
| Greer.  | Neal.    |
| Hardin. | Pollard. |

## Senate Bill No. 189.

Senator Holbrook called up from the table the following bill:

S. B. No. 189, A bill to be entitled "An Act providing for the establishing, organization, management, direction and maintenance of a State Museum, as a part of the public School system, to be known as the Texas State Museum; constituting a locating board and a board of control for said museum; authorizing the creation of a museum staff and the acceptance of donations of money or collections of museum materials; the acquisition of archaeological, historical, and scientific sites within the State; constituting State parks a department of the museum; and declaring an emergency."

Senator Holbrook sent up the following corrective amendments:

Amend Senate Bill No. 189 as follows:

## Amendment No. 1.

Strike out the word "three" in line 7, page 3, of said bill and substitute therefor the word "two."

Read and adopted.

Amend Senate Bill No. 189 as follows:

## Amendment No. 2.

Strike out the word "six" in line 9, page 3 of said bill and substitute therefor the word "four."

Read and adopted.

Amend Senate Bill No. 189 as follows:

## Amendment No. 3.

Strike out the word "six" in line 8, page 3 of said bill and substitute therefor the word "four."

Read and adopted.

## Adjournment.

On motion of Senator Woodward, the Senate, at 4:35 o'clock p. m., adjourned until 10:00 o'clock Tuesday morning by the following vote:

## Yeas—19.

|             |             |
|-------------|-------------|
| Cousins.    | Patton.     |
| Cunningham. | Small.      |
| Gainer.     | Stevenson.  |
| Holbrook.   | Thomason.   |
| Hornsby.    | Westbrook.  |
| Love.       | Williamson. |
| Martin.     | Witt.       |
| Miller.     | Woodul.     |
| Parr.       | Woodward.   |
| Parrish.    |             |

## Nays—5.

|           |            |
|-----------|------------|
| Beck.     | Hyer.      |
| Berkeley. | McFarlane. |
| DeBerry.  |            |

## Absent.

|         |        |
|---------|--------|
| Moore.  | Wirtz. |
| Russek. |        |

## Absent—Excused.

|         |          |
|---------|----------|
| Greer.  | Neal.    |
| Hardin. | Pollard. |

## APPENDIX.

## Petitions and Memorials.

Washington, D. C., Feb. 1, 1929.  
Hon. Bob Barker, Secretary of the State Senate, Austin, Texas.

Dear Bob:

I thank you for your kind letter of the 28th enclosing Resolutions No. 11 and No. 12, passed by an unanimous vote of both Houses of the Forty-first Session of the Legislature.

With kindest regards, I am

Sincerely yours,

EARLE B. MAYFIELD.

Washington, D. C., Feb. 1, 1929.  
Hon. Bob Barker, Secretary State Senate, Austin, Texas.

Dear Sir and Friend:

Receipt is acknowledged of yours

of January 28th, enclosing copies of Senate Concurrent Resolution Nos. 11 and 12, passed by both Houses of the Forty-first Legislature now in session.

I thank you very much therefor.

Sincerely yours,

LUTHER A. JOHNSON.

Washington, D. C., Feb. 1, 1929.  
Hon. Bob Barker, Secretary Senate.

I am in receipt of your letter of January 28, enclosing copy of resolutions passed with reference to a return by the Federal Government of the Civil War Records of the Confederate States of America, and in reply beg to advise that I shall be pleased to co-operate with the friends of this legislation in securing the passage of such resolution by the Congress.

With regards and best wishes, I am

Sincerely yours,

DANIEL E. GARRETT.

Washington, D. C., Feb. 1, 1929.  
Hon. Bob Barker, Secretary of the Senate.

Austin, Texas.

Many thanks for your courtesy in sending me copies of Senate Concurrent Resolutions Nos. 11 and 12.

With cordial good wishes, I am

Very sincerely yours,

FRITZ G. LANHAM.

Washington, D. C., Feb. 1, 1929.  
Hon. Bob Barker, Secretary of the Senate, Austin, Texas.

Dear Mr. Barker:

Yours of the 28th ultimo is just at hand, with copies of Senate Concurrent Resolutions Nos. 11 and 12, and I have read the same with interest.

Your telegram regarding a fair and adequate tariff on farm and ranch products was brought to the attention of the Ways and Means Committee, and I am taking pleasure in presenting Resolution No. 12 to the House of Representatives.

With best wishes, I beg to remain,

Sincerely yours,

CLAY BRIGGS.

Washington, D. C., Feb. 1, 1929.  
Hon. Bob Barker, Secretary of the Senate, Austin, Texas.

Dear Mr. Secretary:

Your letter of the 28th ultimo has reached me, together with copies of Senate Concurrent Resolutions Nos. 11 and 12.

I am pleased to have the attitude

of the Forty-first Legislature on the subjects covered by these resolutions.

Sincerely,

TOM CONNELLY.

Austin, Texas, Feb. 2, 1929.

Hon. Barry Miller, Lieutenant Governor, Senate Chamber.

Dear Sir:

Representatives of the Universities of Texas and California will meet in a debate, Monday, February 4, 8 p. m., University Baptist Church.

The question for the debate is, Resolved, That the Jury System is inefficient as a means of administering justice.

Senator Eugene Miller will preside.

I take this means to extend to you, and all the Senators, a personal invitation to attend.

ELLWOOD GRISCOM, JR.,

Chairman Department of Public Speaking.

(Telegram.)

Washington, D. C., Feb. 1, 1929.

Hon. Barry Miller, President of the Senate, Austin, Texas.

(Deliver Residence)

It is with reluctance that I seek to interfere or influence legislation by Texas. The very serious consequences to Texas of the enactment of H. B. No. 162, the Webb bill amended is my justification of this telegram. The bill provides that pink boll worm must be found in the presence of the owner or agent of the land which is rarely the case. This section could be amended to provide for notification to the owners or agent of the finding of such worm and an opportunity of inspection afforded. Another provision of the bill provides for state ownership and operation of fumigating plants and sterilizing machinery which may cause unnecessary delays in fighting new outbreaks of this pest and hardship to cotton producers in the event enforcement of Federal quarantine necessary and State funds were not available either for quarantine fumigation or sterilizing purposes unless of course the State adopts a policy of keeping an available appropriation on hand to meet sudden emergencies created by new outbreaks or new infestation of this pest. Another provision of the bill provides for automatic release of regulated or restricted areas with-

in twelve months. This pest in stages of its development often stays in hibernation for two years therefore this provision would not only render useless the money spent in the regulated areas for the twelve months, but would inevitably result in the entire State being quarantined against interstate shipments of cotton and cotton products. This by reason of the fact that the Federal Government cannot quarantine against any particular section of a state, but must quarantine if at all against the entire state. Therefore if the Federal horticultural Board did not see proper to make the showing provided for in the bill that the restricted area should not be released after twelve months or if the pink boll worm commission did not agree with the Federal Horticultural Board in such showing then a Federal Statewide quarantine would follow or the southern cotton states that consume one half of the cotton produced in the south would quarantine against Texas. So far through co-operation between Texas and the Federal Government, we have prevented the most destructive cotton pest known from gaining a foothold in the cotton producing area in our state. The interests involved are too great and the consequence too serious for us to depart from a successful and established course of co-operation to risk the vital interest of all the cotton producers of Texas and the south in order to placate a few counties in west Texas where the climatic conditions is such that the pink boll worm will never prosper there or do material damage and yet constitute a breeding ground from which the pink boll worm will probably infest the real cotton belt of Texas and cause irreparable loss to the nation.

J. P. BUCHANAN.

San Marcos, Texas, Feb. 2, 1929.

Senator A. J. Wirtz, Texas Senate,  
Austin, Texas.

Dear Senator Wirtz: In checking over the Representatives and Senators that we wrote about House Bill No. 162, my stenographer has just discovered that you were not written a letter following our telegram to you on January 29th, and I wish to apologize to you for this oversight.

As indicated in our telegram, we find in House Bill No. 162, which has passed the House and been favorably reported in the Senate, that

certain provisions make State and Federal co-operation in the control of the pink bollworm impracticable. You will note the provision about the necessity for having the owner of the field or three other persons present at the finding of the worm. It is not always possible to have the owner present or three other persons unless three other persons should be employed by the State to watch each inspector. You understand that this provision is binding on the State of Texas, but would not be binding on the Federal Government or any other State in such action as they might see fit to take, which could lead to nothing but confusion and quarantine disturbances. You will note that it also provides for the State buying and operating all sterilizing plants and fumigation plants. It will cost a considerable sum, possibly half a million the first year to do this. Note that the bill carries no such appropriation. In the event of subsequent passage of such bill and no appropriation should be made, the quarantine now in effect by the State would break down automatically, which again would lead to the same kind of confusion.

Note the provision calling for review of the quarantine each year. This provision can serve no good purpose and will probably do a great deal of harm. The law as it stands has been working well and we have been greatly relieved in past years on moving our seed to other States. It is our judgment after full consideration that this bill will not do anything but make our markets for our planting seed limited wholly to this State. We urge you to give this bill your due consideration.

If you find that the information we have learned is correct we shall appreciate very much your effort in not having this bill passed as it will mean more to the State of Texas, and especially to the farmers of your section, than it would do good, as this is one of the greatest revenues that the farmers of this section have.

Yours very truly,

ORAN W. CLIETT.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Feb. 4, 1929.

Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 154 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 395 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 414 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 406 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 148 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 280 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 87 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 334 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 347 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 260 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 261 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 222 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 169 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 276 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 343 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 182 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 310 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 338 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 89 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 291 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 380, A bill to be entitled "An Act to protect and secure persons, firms, corporations, artisans, laborers, mechanics and sub-contractors, furnishing labor, machinery, materials, fixtures or tools in connection with the drilling, redrilling or deepening of oil or gas wells, in the payment of amounts due them for same; providing for a bond to be filed by such drillers; requiring them to procure a certificate from the Railroad Commission; providing penalties for violation of this Act; enacting provisions necessary and incidental to the subject and purpose of the Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 108, A bill to be entitled "An Act relating to courses of instruction in schools, colleges, universities and other educational institutions of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 46, A bill to be entitled "An Act amending Article 3386 of the Revised Statutes of 1925, as amended 1927, providing for the amount of bonds of executors and administrators and amending Article 3576 of the Revised Civil Statutes of Texas of 1925 so as to require executors and administrators to give bond when selling real estate belonging to the estate of decedents, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 57, A bill to be entitled "An Act to amend Article 4111 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 179, Page 257, Regular Session of the Fortieth Legislature, 1927, so as to provide for fixing the venue where the appointment of guardians may be made, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 59, A bill to be entitled "An Act to amend Articles 4613 and 4614, Title 75, Chapter 3, of the Revised Statutes of the State of Texas, 1925, concerning the marital rights of parties, defining separate property of the husband and wife, exempting separate property of husband from debts contracted by the wife except for necessities furnished herself and children after her marriage with him, and from torts of the wife, giving husband manage-

ment, control and disposition of his separate property during marriage, providing that the wife shall have the sole management, control and disposition of her separate property, provided that the joinder of the husband shall be necessary to a conveyance or incumbrance of the wife's lands, bonds and stocks, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 4, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 318, A bill to be entitled "An Act to amend Article 1430, Title 17, Chapter 8 of the Penal Code of the State of Texas, adopted at a regular session of the Thirty-ninth Legislature, 1925, being an Act defining the receiving or concealing of stolen property or property which has been acquired in such a manner that the acquisition comes within the meaning of the term theft by one knowing the same to have been so acquired, and prescribing the punishment for the violation thereof, and providing that no person shall be excused from testifying against persons who have violated the provisions of said article for the reason that such testimony would incriminate such witness, and providing that no person required to so testify shall be punishable for acts disclosed by such testimony, and providing that no such person so testifying shall be held in law or in fact to be an accomplice when a witness in any such trial."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

## **TWENTY-FIRST DAY.**

Senate Chamber,  
Austin, Texas,  
Tuesday, February 5, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was